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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 63/191 of 18 December 2008,

1. *Takes note* of the report of the Secretary General submitted pursuant to its resolution 63/191,[3] which highlights many areas of continuing concern with respect to the promotion and protection of human rights in the Islamic Republic of Iran and notes with particular concern negative developments in the area of civil and political rights since June 2008, and which discusses some positive achievements with respect to economic and social indicators;

2. *Expresses its deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/64/357.

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(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence and increase in the rate of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juveniles;

(c) Stoning as a method of execution and persons in prison who continue to face sentences of execution by stoning, notwithstanding a circular from the head of the judiciary prohibiting stoning;

(d) Arrests, violent repression and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's human rights defenders, and continuing discrimination against women and girls in law and in practice;

(e) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders, and, in particular, attacks on Baha'is and their faith in State-sponsored media, increasing evidence of efforts by the State to identify, monitor and arbitrarily detain Baha'is, preventing members of the Baha'i faith from attending university and from sustaining themselves economically, and the continuing detention of seven Baha'i leaders who were arrested in March and May 2008 and faced with serious charges without adequate or timely access to legal representation;

(f) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, Internet users and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students, noting in particular the forced closure of the Defenders of Human Rights Centre and the subsequent arrest and harassment of a number of its staff;

(g) Severe limitations and restrictions on freedom of religion and belief, including arbitrary arrest, indefinite detention and lengthy jail sentences for those exercising their right to freedom of religion or belief;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, and lack of timely access to legal representation;

3. *Also expresses particular concern* at the response of the Government of the Islamic Republic of Iran following the Presidential election of 12 June 2009 and the concurrent rise in human rights violations including, inter alia:

(a) Harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, of opposition members, journalists and other media representatives, bloggers, lawyers, clerics, human rights defenders, academics, students and others exercising their rights to peaceful assembly and association and freedom of opinion and expression, resulting in numerous deaths and injuries;

(b) Use of violence and intimidation by Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of association, also resulting in numerous deaths and injuries;

(c) Interfering in the right to a fair trial by, inter alia, holding mass trials and denying defendants access to adequate legal representation, resulting in death sentences and lengthy jail sentences for some individuals;

(d) Reported use of forced confessions and abuse of prisoners including, inter alia, rape and torture;

(e) Escalation in the rate of executions in the months following the elections;

(f) Further restrictions on freedom of expression, including severe restrictions on media coverage of public demonstrations and the disruption of telecommunications and Internet technology and the forcible closure of the offices of several organizations involved in the investigation of the situation of persons imprisoned following the election;

(g) Arbitrary arrest and detention of employees of foreign embassies in Tehran, thereby unduly interfering with the performance of the functions of those missions in a manner inconsistent with the Vienna Convention on Diplomatic Relations[4] and the Vienna Convention on Consular Relations;[5]

4. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child[6] and article 6 of the International Covenant on Civil and Political Rights,[2] executions of persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning as a method of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[7] which recommended ways in which the Islamic Republic of

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[4] United Nations, *Treaty Series*, vol. 500, No. 7310.

[5] Ibid., vol. 596, No. 8638.

[6] Ibid., vol. 1577, No. 27531.

[7] See E/CN.4/1996/95/Add.2.

Iran could emancipate the Baha'i community, and also to accord the seven Baha'i leaders held since 2008 the due process of law rights they are constitutionally guaranteed, including the right to adequate legal representation and the right to a fair trial;

(h) To end the harassment, intimidation and persecution of political opponents and human rights defenders, students, academics, journalists, other media representatives, bloggers, clerics and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views, including those detained following the Presidential election of 12 June 2009;

(i) To uphold due process of law rights, to end impunity for human rights violations, and to launch a credible, impartial and independent investigation into the allegations of post-Presidential election human rights violations;

5. *Further calls upon* the Government of the Islamic Republic of Iran to redress its inadequate record of cooperation with international human rights mechanisms by, inter alia, reporting pursuant to its obligations to the treaty bodies of the instruments to which it is a party and cooperating fully with all international human rights mechanisms, and encourages the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

6. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in four years and has not answered numerous communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations, particularly those arising since 12 June 2009, can be conducted;

7. *Invites* the thematic special procedures mandate holders to pay particular attention to the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, with a view to investigating and reporting on the various human rights violations that have arisen since 12 June 2009;

8. *Requests* the Secretary-General to report to it at its sixty-fifth session on the progress made in the implementation of the present resolution;

9. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-fifth session under the item entitled "Promotion and protection of human rights".